

## NO HOMESTEAD IN SHIFTING STOCKS

United States Court of Appeals Upholds Validity of Virginia Bankruptcy Laws.

**MERCHANDISE NOT EXEMPT**  
Owner Cannot Separate Stock for Purpose of Defeating Rights of Creditors.

The validity of constitutional and statutory provisions of the Virginia bankruptcy laws, which prohibit a homestead exemption in a shifting stock of merchandise, was upheld yesterday in the United States Circuit Court of Appeals, which affirmed a decision of the United States District Court, at Norfolk, in the case of William Laderberg, bankrupt, against J. H. Miller, executor of the estate of William Laderberg, bankrupt.

The decision is an important one to debtors of the State, as it affords them better protection in circumstances such as arose in the case before the court. The question had never been passed upon by a higher court, and the constitutionality of the law had frequently been questioned.

William Laderberg was a merchant operating a retail store in Portsmouth, and was adjudged a bankrupt on June 29, 1913. Two days before the adjudication, in contemplation of bankruptcy, he separated from his stock numerous articles of merchandise, valued at \$30,000, and placed them, together with household goods, valued at \$10,000, in boxes numbered from one to eighteen.

**Homestead Exemption.**

The purpose of separating and boxing the goods was to enable him to set up the claim that such goods had ceased to be a part of a shifting stock of merchandise, and could be claimed as exempted under the Constitution and statutes of Virginia, which provide a homestead exemption, but do not allow it to be claimed in a shifting stock of merchandise. Having taken this preliminary step, Laderberg, after the adjudication, filed his petition with the referee asking that the property, including the goods in the boxes, be set apart as his homestead exemption. Attached to the petition was a paper called a homestead deed, in which the property was described, and in which the petitioner declared that he claimed, selected and set apart the property as his homestead. The referee refused to allow the claim, as to the merchandise taken from the stock of goods, and his action was confirmed by the United States District Court. The bankrupt then filed his petition, asking the United States Circuit Court of Appeals to exercise its power of supervision and revision, to review the judgment and determine that he was entitled to the exemption claimed.

**Lower Court Sustained.**

With Circuit Judges Knapp and Woods and District Judge Fine in attendance, the case was argued. S. M. Brant represented the petitioner, and Edward R. Baird, the respondent. Baird, Swink & Morehead filed briefs for the respondent. The opinion delivered by Judge Woods, upholds the validity of the case as argued, and the action of the referee and the United States District Court.

Touching on the separation of articles from the whole stock, Judge Woods said, in part:

"The change must take place in the ordinary course of business and not in pursuance of a design to defeat the constitutional provision. The selection of goods from the stock and boxing them was merely a part of the assertion of his claim of exemption, and when he asserted the claim and undertook to make the selection, the property involved was part of a shifting stock of merchandise, and not property under which a homestead could be claimed."

He held further that "A debtor cannot, by his act of closing his store or separating part of his shifting stock of merchandise, with a view of defeating rights of the creditors, have a homestead in such property."

**SPIRIT RESISTS MOB.**

Refuses to Turn Negro Over to Crowd, Which Then Disperses.

Anderson, S. C., December 12.—A crowd of fifty or seventy-five men, three of whom the sheriff is said to have recognized, called at the jail tonight to see the defendant, Sheriff Ashley, the defendant, Will White, a negro, who this afternoon stabbed to death Ollis Kinard, an employee of a local cotton mill. The sheriff refused to turn the negro over to the crowd. They later dispersed.

Testimony at the coroner's inquest over the body of Kinard was to the effect that Kinard invited the negro, White, to go with him and companions for a walk. A quarrel is said to have ensued, which resulted in the stabbing of Kinard.

**Big Purchase of Bonds.**

New York, December 12.—Kuhn, Loeb & Company have purchased \$10,000,000 of Illinois Central and Chicago, St. Louis and New Orleans 5 per cent. funding bonds. The securities are part of a total issue of \$20,000,000 approved to-day by shareholders, and are guaranteed jointly by the Illinois Central and the Chicago St. Louis and New Orleans.

## OPEN FIGHT UPON SEGREGATION LAW

Attorneys for Defense Move Hastings Court to Quash Summons.

**POSTPONED UNTIL JANUARY**  
Judge Wells Instructs Counsel to File an Agreed Statement of Facts.

On the ground that the city segregation ordinance was unconstitutional and void, attorneys for Mary Hopkins and Amelio Toni moved the Hastings Court yesterday that it quash the summons under which their clients were convicted and fined in the Police Court for violations of the law restricting the residential privileges of the white and colored races.

The attitude assumed by the lawyers for the defendants made necessary an inquiry into special conditions, which it was claimed, have an important bearing in the two cases. Judge Wells postponed trial until January 13, when counsel for both sides will file briefs and an agreed statement of facts.

**Law Works Both Ways.**

Mary Hopkins was fined in the Police Court for a violation of the ordinance which makes it unlawful for any colored person to occupy as a residence any house upon any block on which a greater number of houses are occupied as residences by white people than are occupied as residences by colored people.

The case against Amelio Toni involves a violation of another section of the same law, which prohibits any white person from occupying as a residence any house upon any block on which a greater number of houses are occupied as residences by colored people than are occupied as residences by white people. Upon the disposal of these two typical cases will depend the fate of a dozen other prosecutions now on the Hastings Court docket.

The city of Richmond was represented yesterday by Assistant City Attorney George Wayne Anderson. J. H. Pellard, a colored lawyer, and Alfred E. Cohen appeared for the defendants. Another case against Mary A. Hitchins, set for trial yesterday, went over to January 13. Counsel in this case agreed to abide by whatever decision should be reached in the cases against Mary Hopkins and Amelio Toni.

**Issue Is Important.**

Southern cities confronted with the same racial problem are watching with interest the disposition of the segregation issue by the Richmond courts. Considerable difference of opinion exists as to the constitutionality of the law, and to the question will in all probability go to the Supreme Court of the United States for settlement.

Judge Chester, of the Hanover County Circuit Court, in a recent decision held the Ashland law to be a legitimate exercise of the police power in the interest of public peace and welfare. The Ashland law is virtually a word for word copy of the Richmond ordinance.

**Get Many Requests.**

Since Judge Chester's decision the city authorities have received numerous requests for copies of the Richmond law. The applications, come from Western and Southern cities as well as Southern cities. A request for a copy was recently received from Baltimore, which enacted a segregation ordinance, that was later declared unconstitutional by the Supreme Court of Maryland. In nullifying the Baltimore law, however, the Supreme Court of Maryland indicated its opinion that a reasonable law on the subject could be drawn that would be constitutional.

The Hastings Court decision in the pending cases will have an important bearing on the fate of the local ordinance, which, it is admitted, will be tried before the Supreme Court of Appeals of Virginia.

**NEW COMPANY MUSTERED.**

Colonel Stern, Inspector-General, Is Present at the Organization.

Franklin, Va., December 12.—A new military company was mustered into the service to-night as a member of the Fourth Regiment of the Virginia Volunteers. The new company will bear the name of the "Colonel Stern Company," in honor of Colonel J. E. Stern, Inspector-General of the Fourth, who was present.

**TREASURY LONG NURSING SCHOOL FOR RICH BANKS**

(Continued from Page Eight.)

agreement to take a vote on the currency bill to-morrow night.

"When" asked Senator Bristow, showing amazement at the question.

"To-morrow," replied the Senator, "that is impossible, and the Senator knows it," replied Mr. Bristow.

Then Mr. Owen suggested that Tuesday night, and followed it with Tuesday, Wednesday and Thursday nights, to each of which Mr. Bristow objected.

Senator Owen waved his hand in despair, and without saying another word sat down. The Senate adjourned.

## DECIDES WHO MAY VOTE FOR SENATOR

Attorney-General Williams Renders Opinion on Disputed Point in Election Law.

**STILL HAS GRAVE DOUBTS**  
Constitutionality of Ward Law on Special Elections Is Doubtful.

Although he admits that some doubt exists as to the meaning of the law, Attorney-General Williams has decided in the case of the special election to be held in Rockbridge and Bedford Counties and the city of Buena Vista for a State Senator, to succeed Judge John Randolph Tucker, that the clerks must furnish lists of voters, and that such additional voters as are otherwise eligible, but whose names do not appear on such lists, shall also be permitted to vote. While questioning the constitutionality of the Ward law governing special elections, the Attorney-General points out that the Senate itself is the sole judge of the election and qualification of its own members.

In reply to questions of Commonwealth's Attorney H. B. Rucker, of Buena Vista, in regard to the right of persons to vote in the special election on January 6, Judge Williams has rendered the following opinion:

**Text of Opinion.**

"After considering the matter, I am answering your letter of the 9th instant, in which you ask for my opinion as to the qualifications to vote in the special election to be held on January 6, 1914, for the election of a Senator from the Twenty-second Senatorial District, to fill the vacancy occasioned by the resignation of Senator Tucker, which special election has been called by the Governor."

"The Constitution itself only prescribes in terms the qualification of voters at regular elections, and does not in terms prescribe the qualifications for special elections. The Code, Section 62, prescribes the qualifications of voters at general elections, and in doing so, follows the provisions of the Constitution. This section of the Code was amended by the act approved February 25, 1903, commonly known as the Ward law, which does provide for the qualifications of voters at special elections. And the Code, Section 109, provides the time for holding special elections. Section 119 of the Code defines what is a special election, and prescribes that an election to supply vacancies in any office is a special election. Section 110 of the Code, which is in pari materia, must be construed together, from which I conclude, and am of the opinion, that Section 62 of the Code, as amended, applies to and governs the qualifications of voters in the special election for the election of a Senator in your district, and that all voters who come within the provisions of Section 62 of the Code are entitled to vote at said election."

**Doubts Its Constitutionality.**

"Some doubt has been expressed as to the constitutionality of the Ward law, as to the election of officers named in the Constitution, but I waive this question for the reason that the Senate under the Constitution is the sole judge of the election and qualification of its own members."

"As to the second question propounded in your letter, this presents more serious difficulty, and I cannot and am of the opinion, that in terms seems to provide for the emergency which has been created in the case of this special election. But my solution of it on general principles is that the situation should be met by requiring the clerk, under Clause 3, of Section 62 of the Code, to furnish the judges of election a list of voters, and of course, he can only furnish it as it exists in his office. And this leaves open the question as to that class of voters not on the list furnished by the clerk, and who are otherwise qualified to vote, but have not paid their capitation taxes in time to be put on said list, but who, if they pay their taxes within the time prescribed in Section 62 of the Code as amended, I think they should be allowed to vote; and if the right of this class of voters to vote is challenged, then said challenge should be determined by the judges in the way and manner provided for in Section 127 of the Election Laws."

"I arrive at these conclusions with some doubt and difference, but think they are sound on general principles, and present the only reasonable solution of the difficulty, and give the right to every qualified voter to take part in the election. I think a liberal construction of the Constitution and laws warrant the conclusions."

**FUNERAL OF E. J. CHISM**

Party of Railway Men Leave To-Day to Attend Services in Baltimore.

A party of Richmond officials of the Southern Railway Company will go to Baltimore this morning to attend the funeral services of E. J. Chism, general freight and passenger agent of the Chesapeake and Potomac Company, who died suddenly in his office last night at 2 o'clock.

Chism, who had been in the service of the Chesapeake and Potomac Company for many years, and had been a prominent part in the development of the line. Many Richmond people met him at the station at the time of his death on November 26. His death came as a shock to his family and friends.

In the party which went to Baltimore were James H. Drake, general agent; H. L. Bishop, division passenger agent; R. C. Corden, agent of the Southern Railway; and W. H. Fitzgerald, of the Associated Railway.

**Put Jailbirds to Work.**

Mr. Wilson recommends that a larger State appropriation for roads and that provision be made by the State for working all convicts on the roads as far as possible, this to apply to inmates of jails in every part of the State, as well as to the penitentiary. He expresses the belief that the character of roads built by convict labor is the best, that it is the cheapest, and that work on the roads is better than being idle in steam heated jails, smoking and playing cards at the expense of the Commonwealth.

**Mr. Wilson recommends that the fund derived from automobile license be made a special fund for the upkeep of good roads already built, so that they may not rot out of repair, wash and become worthless because of neglect. At the close of the fiscal year there were about 1,500 men at work on the roads of Virginia, of whom 1,000 were penitentiary convicts, and about 400 jail prisoners.**

**In Police Court.**

Charles Stanley, arrested on the complaint of his wife that he had ceased to contribute toward the support of herself and her child, was ordered to pay her \$1 a week for twelve months when arraigned before Justice Crutchfield yesterday morning in Police Court.

George Vaughan, colored, was found guilty of stealing a tub of lard from the Southern Railway Company, and was given thirty days in jail.

## NEGRO EXPOSITION SEEKS STATE AID

Colored People Form New Organization to Show Progress of Race.

**OFFICERS ARE ELECTED**  
Governor Has Been Urged to Recommend Appropriation in Support of Project.

Virginia negroes propose to hold in or near Richmond during 1914 an exposition illustrative of the progress of the race. A number of the leading colored men of the State attended a meeting at Miller's Hotel on Thursday night, when the organization was perfected. It was claimed by the speakers that this was an opportune time for the colored people of Virginia to put on exhibition at some central point, goods of every character that will show to the world the progress of the race as producers. The speakers claimed that it would be startling to many uninformed people to view grouped in one place the achievements of the race since emancipation. The addresses were conservative, and acknowledged the aid given by the white people in providing school facilities and otherwise aiding in the betterment of conditions.

**Will Apply for Charter.**  
The name chosen for the new organization was "The Negro Historical and Industrial Association." Authority was given to an attorney to apply to the State Corporation Commission for a charter, the home offices to be located in Richmond.

The following officers were elected: president, Giles B. Jackson; first vice-president, Rev. Z. D. Lewis; second vice-president, Rev. B. J. Bolling, of Petersburg; third vice-president, Major C. Callahan; fourth vice-president, A. C. Taylor; secretary, H. H. Price, assistant secretary, R. A. Cephas, treasurer, William Miller; commissioner-general, J. E. Byrd, and general field agent, Rev. O. G. Jenkins.

**Board of directors:** Giles B. Jackson, Rev. Z. D. Lewis, Rev. D. R. E. Jenkins, H. H. Price, R. A. Cephas, William Miller and J. E. Byrd.

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**Seek Aid of State.**

Rev. A. S. Thomas, James Poe, Rev. Z. D. Lewis and Giles B. Jackson, commissioners appointed by Governor Mann to represent Virginia at similar exhibitions held during the past few months in Philadelphia, New York and Atlantic City by the colored people of Pennsylvania, New York and New Jersey, have made a report to the Governor, and have petitioned him to recommend to the General Assembly an appropriation of \$25,000 to aid the colored people of Virginia in holding a similar exhibition in this city next year. At the meeting on Thursday night a committee consisting of Rev. Z. D. Lewis, J. E. Byrd and Giles B. Jackson was appointed to appear before the Senate Finance Committee when that body meets on Tuesday night to begin work on the State appropriation bill, which apportions the revenue of the State for 1914 and 1915.

**Target Work for Police Officers**

Chief Werner Will Require All to Reach Standard Marksmanship at Range.

Members of the Richmond Police Department will be required hereafter by Chief Werner to attain a certain standard of marksmanship with the revolver. There are to be weekly shooting lessons in the new police pistol range attached to the First Police Station. Officers and patrolmen failed to attain a standard of proficiency will be kept at practice until they become experts.

"Some of the members of this force are good marksmen," said Major Werner yesterday, "but many are more likely to hit spectators than a fleeing criminal. Now that we have a suitable pistol range, I am going to require every man to learn how to use his revolver with accuracy. What the standard of marksmanship will be I have not determined, but I am sure each man must score as high as thirty or forty hits out of one hundred shots."

The new order for efficiency will become effective next week. The pistol range is completed, and policemen will be urged to spend as much leisure time as possible firing at the target. The range is located in a new addition built on the rear of the cell-room, and is up-to-date. A steel backdrop has been raised to prevent the escape of wild shots.

Certain hours for target practice each week by squads of officers will be established by Major Werner, and no member of the force will be exempt from going through this weekly drill to consistently score the required standard.

**United States Circuit Court of Appeals.**

The United States Circuit Court of Appeals reconvened yesterday at 10 o'clock, with Circuit Judges Pritchard (presiding), Knapp and Woods in attendance.

The court announced and handed down its opinion in the following cases:

No. 1155. William Laderberg, bankrupt, petitioner, vs. F. C. Miller, trustee in bankruptcy of the estate of William Laderberg, bankrupt, respondent, etc., District Court of the United States for the Eastern District of Virginia, at Norfolk. Opinion by Judge Woods. Affirmed.

Case argued yesterday: No. 1208. West Virginia Pulp and Paper Company, appellant, vs. Cheat Mountain Club, appellee; appeal from District Court at Philippi, W. Va. Argued by E. D. Talbott, Elkins, W. Va., for the appellant, and W. E. Baker, Elkins, W. Va., for the appellee, and submitted.

Saturday being conference day, the court will go into conference upon cases heretofore argued and remaining undecided.

Cases in call Monday: No. 1209. W. H. Townsend et al., trustees of W. P.

**RAILROADS SHOULD WORK ON ROADS**

State Highway Commissioner Recommends Increase in Convict Forces.

**BUILT 619 MILES LAST YEAR**

P. St. Julien Wilson Submits Annual Report Before Taking Up New Work.

Six hundred and nineteen miles of improved roads were built by the State during the past fiscal year, according to the report of retiring State Highway Commissioner P. St. Julien Wilson, filed with the Governor yesterday. Mr. Wilson resigned to accept the position of assistant director of roads in the United States Department of Agriculture, but completed his annual report before surrendering his office here to his former assistant, George P. Coleman, of Williamsburg, who was appointed by Governor Mann.

During the time Mr. Wilson has been in office, since the office was created in 1906, the State has constructed approximately 2,000 miles of improved roads. The total for the past fiscal year exceeds that of the previous year by seventy-seven miles. Most of the work was done by convict labor, under the provisions by which the State offers aid either in convicts or in money to counties which will put up a similar fund for road building. In the past year thirteen counties issued bonds, aggregating \$1,396,000, for road work, making a total of \$1,400,000 in the seven years by thirty-two counties, \$6,324,000, not all of which has as yet been expended.

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# Royal Quality

Never experiment with so important an article as the human food

It is the high quality of Royal Baking Powder that has established its great and world-wide reputation:

Every housewife knows she can rely upon it; that it makes the bread and biscuit more delicious and wholesome—always the finest that can be baked.

It is economy and every way preferable to use the Royal, whose work is always certain, never experimental.

There are many imitation baking powders, made from cheap ingredients. They may cost little per pound, but their use may be at the cost of health.

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**FATHER SURPRISES HIMSELF.**

Follows Daughter to Stop Her Marriage, and Then Gets License.

[Special to The Times-Dispatch.]  
Norfolk, Va., December 12.—Following her to Norfolk for the express purpose of preventing her marriage, Paul Foust, father of Miss Soile Foust, returned and permitted her to become the bride of Duncan Whitely, of Bertie County, N. C., to-day. The bride is only sixteen years old. She and White eloped, went back to the clerk's office, and gave his permission for his daughter to wed. J. A. Thomas, father, daughter and son-in-law returned to North Carolina.

**Xmas Suit & Overcoat Special, \$15**

There is a genuine and substantial holiday spirit in this offering—a chance for the restricted purse to procure good clothes for holiday cheer at small cost; worth every penny of \$20; they should sell fast, and you cannot come too soon if interested.

Suits of strictly pure wool fabrics; worsteds, cassimeres, chevots and tweeds, in big variety; new grays, new browns, new mixtures, black and white stripes and broken effects.

**\$15**

**Suit and Overcoat Special, \$20**

The wonderful mercantile power of this great six-store manufacturing retailing institution comes in full play in this offering—Suits and Overcoats which cannot be equaled anywhere under at least \$5 more than the price.

English Norfolk models, English sack models, conservative three and four-button sack suits in elegant worsteds, soft cassimeres, Scotch chevots and Irish homespuns—beautiful weaves, handsome patterns, newest colors, best of workmanship and linings.

**\$20**

Belted shawl collar overcoats—43, 46, 48, 50, 52, 55-inch lengths, in chinchilla and other correct fabrics—swagger ulsterettes, useful and dressy cravettes, Chesterfields, in varied gray shades, blacks, browns and mixtures, beautifully tailored and lined.

**CHILDREN'S PLAY SUITS**

Boys' and Girls' Indian Suits, with elaborate head-pieces, trimmed in striking color combination of blue, yellow and gold; 98c

Cowgirl Outfit—khaki blouse and skirt, leather trimmed, with hat to match; also lariats, neckerchiefs, patent leather holster and pistol; special at \$1.25

Cowboy Outfit, consisting of blue flannel shirt, fringed at side trousers, hat, neckerchief, lariats, pistol and holster; special at 98c

Boys' Fireman's Outfit—red shirt, blue trousers, belt and shawl, fancy helmet; special at \$1.48

Boys' Rough Rider Outfit, made of extra quality khaki, with yellow brass trimmings, hat to match; special at \$1.98

**BURK & CO.**

MAIN AND EIGHTH STREETS.

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Of fine quality, made from carefully selected high-grade cocoa beans, skilfully blended, prepared by a perfect mechanical process, without the use of chemicals or dyes. It contains no added potash, possesses a delicious natural flavor, and is of great food value.

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